
Publish date: 2/10/17

WQC number: 917-9005 MI4-WQC-1

Public Notice

Closing Date: 3/12/17

This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 782-6683, or submit comments to: Water Quality Certification 300 Sower Blvd., Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: 300 Sower Blvd. Frankfort, KY 40601

Commonwealth of Kentucky
Department for Natural Resources
Division of Mine Permits

DIVISION OF
FEB 16 2011
MINE PERMITS

Application for Water Quality Certification for Surface Coal Mining Activities

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Energy and Environment Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

1. **Applicant Name:** Webster County Coal LLC
Mailing Address: 1146 Monarch Street, Lexington, KY 40513
Contact Person: Robert Ray
Telephone No: (859) 685-6332
E Mail Address: robert.ray@arlp.com

2. **Consultant Name & Address:** EcoSource, Inc., 426 North Broadway, Georgetown, KY 40324
Telephone No. (502) 868-5200
E Mail Address: ecosource@hotmail.com

3. **Provide a brief description of the proposed activity and stream impact.**
The reason for discharge was a massive movement of material from the permitted refuse storage area into Frederick's Ditch. In order to allow water to continue flowing through Frederick's Ditch a new stream channel was constructed. Also, the conveyor system was irreparably damaged and a new conveyor system was constructed causing an additional impact to Frederick's Ditch. Due to the refuse movement into Frederick's Ditch and the reconstruction of the new conveyor system, 1375 linear feet of stream and 0.3 acre of wetlands was impacted.

4. **Project Location Information:**
County Webster; **USGS Quadrangle Name** Providence, KY
Nearest Community & Road Intersection: Clay, KY 293 & KY 270
Longitude -87.780307° **Latitude** 37.457765° (Approximate center of the project area)

5. **List the names of all streams affected by the proposed project:**
Frederick's Ditch of Slover Creek

6. **For each affected watershed provide the acreage above the toe of the lowest permanent structure.**
Not applicable

7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

Frederick's Ditch was the only stream impacted by the refuse movement. The stream is perennial and the impacts are permanent. A total of 1,375 linear feet of stream were impacted.

8. Provide the acreage of wetlands that would be impacted: 0.3

9. Beginning at the nearest intersection of two public roads, provide directions to the project site:

From the intersection of US 41A and KY 670 in Providence, travel west on KY 670 for a distance of 0.2 mile to the intersection with KY 293. Turn right or north onto KY 293, travel for a distance of 3.8 miles to the intersection with KY 270. Turn left or west onto KY 270, travel west for a distance of 1.8 miles to the mine entrance.

10. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes X No . If yes, indicate type of application:

NW 12 NW 14 NW 21 NW 27 NW 49
NW 50 Individual X Other

11. Provide the following permit numbers associated with this mining activity:
SMCRA Permit No. 917-9005 MI4, KPDES No. KYGW40016

12. The following attachments must be provided:

- a. A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified. *(not applicable)*
- b. A 7.5 minute topographic map delineating the proposed project area.
- c. A copy of the complete Compensatory Mitigation Plan

List all other plans and profiles included with this application:

Included is a copy of the application, including the mitigation plan, submitted to the ACE

I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:

 _____, Date: 2-1-2017
If signed by applicant's agent, attach power of attorney

SUBMIT APPLICATION AND ATTACHMENTS TO:

WQC COORDINATOR
DIVISION OF MINE PERMITS
#2 HUDSON HOLLOW
FRANKFORT, KENTUCKY 40601

Form DNR-WQC 7/08

**POWER OF ATTORNEY
ALLIANCE COAL, LLC AND SUBSIDIARIES**

TO

ROBERT W. RAY

MARCH 31, 2011

EXPIRES: INDEFINITE

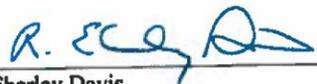
KNOW ALL PERSONS BY THESE PRESENTS: That Alliance Coal, LLC (the "Company"), organized and existing under the laws of the State of Delaware, acting on its behalf and on behalf of its wholly owned subsidiaries, does hereby appoint Robert W. Ray, Manager, Permitting and Environmental Compliance of the Company, its true and lawful Attorney-in-Fact with power and authority, for and on behalf and in the name of the Company, to file for, execute, process, or otherwise take necessary action pertaining to environmental applications for air, waste, and water permits, applications for surface disturbance mining permits, renewals thereof, or amendments or supplements thereto, certificates or other instruments directly related to such applications, renewals, amendments or supplements required to be filed with any local, state or federal governmental agency related to the Company's coal mining operations.

All actions taken by said Attorney-in-Fact prior to the date hereof consistent with the authority granted herein are hereby ratified and confirmed.

The Attorney-in-Fact herein appointed shall be authorized to act hereunder from the date hereof only so long as such Attorney-in-Fact shall remain an employee or authorized agent of the Company, or until such earlier time as this instrument has been revoked, annulled, rescinded or set aside by an instrument of revocation filed with the Company, whichever first occurs.

IN WITNESS WHEREOF, the Company has caused this Power of Attorney to be executed on its behalf, and its seal to be hereunto affixed and attested, in the County of Fayette, Commonwealth of Kentucky, as of the day and year first above written, by the undersigned, R. Eberley Davis, the duly authorized Secretary of Alliance Coal, LLC and Subsidiaries.

Alliance Coal, LLC and Subsidiaries

BY: 

R. Eberley Davis
Senior Vice President, General Counsel
and Secretary

